



2665  
#10  
6/25

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

C. Basso

Serial No.: 09/334,415

Group Art Unit: 2666

Filed: July 5, 2001

Examiner: M. Jagannathan

For: unknown title

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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COMMUNICATION

Sir:

A Final Action was mailed February 14, 2003, in the above-identified application. After extensively checking our docketing system it has been determined that the Action has been mailed to us **incorrectly**. The undersigned is not attorney of record in this case. The customer number allotted to the above-identified application is the correct customer number for the undersigned but has been assigned to this application incorrectly.

Therefore, it is respectfully requested that our customer number and address be removed from the case record and the Action re-mailed to the correct attorneys of record for this application.

If at any time, it is deemed by the Examiner that this action was, in fact, correctly mailed, please contact the undersigned immediately.

Respectfully submitted,



Michael E. Whitham

Reg. No.: 32,635

Whitham, Curtis & Christofferson, PC  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,415	06/16/1999	CLAUDE BASSO	FR9-98-048	5316

0743 7590 02/14/2003

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

JAGANNATHAN, MELANIE

ART UNIT

PAPER NUMBER

2666

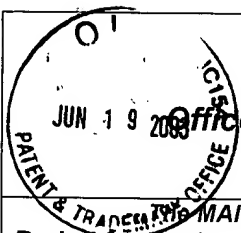
DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/334,415

Applicant(s)

BASSO ET AL.

Examiner

Melanie Jagannathan

Art Unit

2666

**MAILING DATE** of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

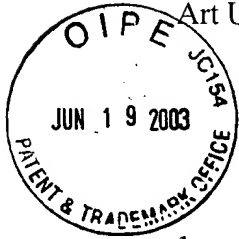
### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2666



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims **1-3,5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Hjalmtysson et al U.S. 6,128,305.

Regarding claims **1,5**, the claimed source node and destination node are anticipated by calling station (Figure 9, element 901) and called station (Figure 9, element 910). The claimed initiation of connection procedure through call setup message sent by source node to destination node and destination node sending back an acknowledgment message to source node is anticipated by calling station sending setup message (Figure 9, SETUP) to called station and called station sending back acknowledgment message (Figure 9, ACK) to calling station.

Regarding claims **2,6**, the claimed sending of verification data stream to destination node after receiving acknowledgment message and sending of response data stream back after

Art Unit: 2666

receiving verification data stream to check characteristics of connection established between source node and destination node is anticipated by calling station sending quality of service message (Figure 9, QoS REQUEST) and called station sending back quality of service commit message (QoS COMMIT) back.

Regarding claim 3, the claimed asynchronous connection-oriented transmission network being ATM network is anticipated by establishment of connection in ATM network. See column 1, lines 16-20.

Regarding claim 7, the claimed check of end-to-end transit delay of connection is anticipated by connection setup for purposes of connectivity that minimizes end-to-end delay. See column 6, lines 28-48.

Regarding claim 8, the claimed check bandwidth allocation is anticipated by QoS request and QoS commit messages sent to set up quality of service needed for connection which includes bandwidth allocation. See column 9, lines 40-67 and column 10, lines 1-9.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 2666

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hjalmtysson et al. U.S. 6,128,305. Hjalmtysson et al. disclose all the limitations of the claim except for use of frame relay network.

Therefore, examiner takes official notice of the concept and the advantage of implementing the signaling system of Hjalmtysson et al. in a frame relay network. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a frame relay network. One of ordinary skill in the art would be motivated to do this since the signaling system is adaptive to use with fixed length packets or with variable length packets.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamaguchi U.S. 5,673,264 discloses subscribers establishing ATM connections in distribution system.

Eng et al. U.S. 5,757,783 disclose method and apparatus for routing ATM cells in an AD-ATM LAN.

Goldstein et al. U.S. 5,029,164.

Ohsawa U.S. 5,519,699.

Art Unit: 2666

Bales et al. U.S. 5,574,724.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9315 for After Final communications.

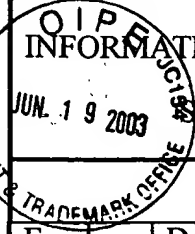

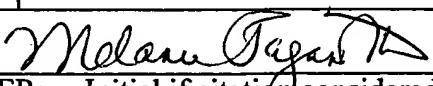
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

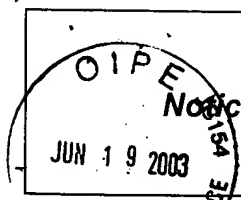
Melanie Jagannathan  
Patent Examiner  
AU 2666

MJ  
February 10, 2003

*Seema S. Rao*  
SEEMA S. RAO 2/10/03  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



Form PTO-1449		Docket No: 112025-0309		Serial No. 09/334,415		
<b>INFORMATION-DISCLOSURE STATEMENT</b> 		Applicant: Claude Basso et al.				
		Filed: 6-16-99		Group 2731		
<b>U. S. Patent Documents</b>						
Ex.	Doc. No.	Date	Name	Class	Subcl.	Filed
m	6,058,114	5/2/00	Sethuram et al.	370	397	5/20/96
m	5,579,480	11/26/96	Cidon et al.	395	200.1	4/28/95
m	5,673,263	9/30/97	Basso et al.	370	396	10/25/95
						
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <b>RECEIVED</b>  <b>JUN 2 2003</b>  <b>GROUP 2700</b> </div> <div style="text-align: center;"> <b>RECEIVED</b>  <b>JUN 23 2003</b>  <b>Technology Center 2600</b> </div> </div>						
<b>Foreign Patent Documents</b>						
		Date	Country	Class	Subcl.	Filed
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pages, Etc)</b>						
Examiner:			Date Considered:			
			<b>2/9/03</b>			
<p><b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>						

 <b>Notice of References Cited</b>	Application/Control No. 09/334,415	Applicant(s)/Patent Under Reexamination BASSO ET AL.	
	Examiner Melanie Jagannathan	Art Unit 2666	Page 1 of 1

### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,128,305	10-2000	Hjalmtysen et al.	370/410
	B	US-5,673,264	09-1997	Hamaguchi, Naohisa	370/397
	C	US-5,757,783	05-1998	Eng et al.	370/315
	D	US-5,029,164	07-1991	Goldstein et al.	370/235
	E	US-5,519,699	05-1996	Ohsawa, Tomoki	370/231
	F	US-5,574,724	11-1996	Bales et al.	370/410
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

*Handwritten mark*



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Form PTO-948 (Rev. 8-98)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office. Application No. 334415

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

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The drawing(s) filed (insert date) 6/16/99 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
B. ☐ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a). Acceptable categories of drawings:  
Black ink. Color drawings are not acceptable until petition is granted.  
Fig(s) 1  
Pencil and non-black ink not permitted. Fig(s) 1
2. PHOTOGRAPHS. 37 CFR 1.84(b)  
1 full-tone set is required. Fig(s) 1  
Photographs not properly mounted (must use Bristol board or photographic double-weight paper). Fig(s) 1  
Poor quality (half-tone). Fig(s) 1
3. TYPE OF PAPER. 37 CFR 1.84(c)  
Paper not flexible, strong, white, and durable. Fig(s) 1  
Erasures, alterations, overwritings, interlineations, or photocopies/machining marks not accepted. Fig(s) 1  
Mylar, velum paper is not acceptable (too thin). Fig(s) 1
4. SIZE OF PAPER. 37 CFR 1.84(f). Acceptable sizes:  
21.0 cm by 29.7 cm (DIN size A4)  
21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
All drawing sheets not the same size. Fig(s) 1  
Sheet(s) 1  
Drawings sheets not an acceptable size. Fig(s) 1
5. MARGINS. 37 CFR 1.84(g). Acceptable margins:  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 Size  
Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11  
Margins not acceptable. Fig(s) 1  
Top (T) 1 Left (L) 1  
Right (R) 1 Bottom (B) 1
6. VIEWS. 37 CFR 1.84(h)  
REMINDER: Specification may require revision to correspond to drawing changes.  
Partial views. 37 CFR 1.84(h)(2)  
Brackets needed to show figure as one entity. Fig(s) 1  
Views not labeled separately or properly. Fig(s) 1  
Enlarged view not labeled separately or properly. Fig(s) 1
7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)  
Hatching not indicated for sectional portions of an object. Fig(s) 1  
Sectional designation should be noted with Arabic or Roman numbers. Fig(s) 1
8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)  
Words do not appear on a horizontal, left-to-right fashion and when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) 1
9. SCALE. 37 CFR 1.84(k)  
Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) 1
10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)  
Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (pencil line quality). Fig(s) 1
11. SHADING. 37 CFR 1.84(m)  
Solid black areas pale. Fig(s) 1  
Solid black shading not permitted. Fig(s) 1  
Shade lines pale, rough and blurred. Fig(s) 1
12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)  
Numbers and reference characters not plain and legible. Fig(s) 1  
Figure legends are poor. Fig(s) 1  
Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)  
Fig(s) 1  
English alphabet not used. 37 CFR 1.84(p)(2)  
Fig(s) 1  
Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)  
Fig(s) 1
13. LEAD LINES. 37 CFR 1.84(q)  
Lead lines cross each other. Fig(s) 1  
Lead lines missing. Fig(s) 1
14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)  
Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) 1
15. NUMBERING OF VIEWS. 37 CFR 1.84(u)  
Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) 1
16. CORRECTIONS. 37 CFR 1.84(w)  
Corrections not made from prior PTO-948 dated 6/16/99
17. DESIGN DRAWINGS. 37 CFR 1.152  
Surface shading shown not appropriate. Fig(s) 1  
Solid black shading not used for color contrast. Fig(s) 1

COMMENTS

REVIEWER jr

DATE 8/10/99

TELEPHONE NO. 7

ATTACHMENT TO PAPER NO. 7

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U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Form 1048 (Rev. 8-98)

## RECEIVED INFORMATION ON HOW TO EFFECT DRAWING CHANGES

JUL 3 8 2003

### 1. Correction of Informalities--37 CFR 1.85

Technology Center 5600

File new drawings with the changes incorporated therein. The application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office

is unable to match the drawings to the proper application, should be placed on the back of each sheet of drawings in accordance with 37 CFR 1.84(c). Applicant may delay filing of the new drawings until receipt of the Notice of Allowability (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136. The drawing should be filed as a separate paper with a transmittal letter addressed to the Drawing Processing Branch.

### 2. Timing for Corrections

Applicant is required to submit acceptable corrected drawings within the three-month shortened statutory period set in the Notice of Allowability (PTOL-37). If a correction is determined to be unacceptable by the Office, applicant must arrange to have acceptable corrections resubmitted within the original three-month period to avoid the necessity of obtaining an extension of time and paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within set (or extended) period will result in ABANDONMENT of the Application.

### 3. Corrections other than Informalities Noted by the Drawing Review Branch on the Form PTO-948

All changes to the drawings, other than informalities noted by the Drawing Review Branch, MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

17. DESIGN DRAWINGS: 37 CFR 1.153	Fig(s) _____
2. Hatching not indicated for sectional portions of an object	Fig(s) _____
3. Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____	Fig(s) _____
4. Enlarged view not labeled separately or properly. Fig(s) _____	Fig(s) _____
5. Views not labeled separately or properly. Fig(s) _____	Fig(s) _____
6. Brackets needed to show figure as one entity. Fig(s) _____	Fig(s) _____
7. Partial views: 37 CFR 1.84(h)(5)	Fig(s) _____
8. REMINDER: Specification may require revision to correspond to drawing changes. Fig(s) _____	Fig(s) _____
9. VIEWS: 37 CFR 1.84(h)	Fig(s) _____
10. RIGHT (R) _____	Fig(s) _____
11. TOP (T) _____	Fig(s) _____
12. LEAD LINES: 37 CFR 1.84(d)	Fig(s) _____
13. LEAD LINES: 37 CFR 1.84(d)	Fig(s) _____
14. NUMBERING OF SHEETS OF DRAWINGS: 37 CFR 1.84(i)	Fig(s) _____
15. NUMBERING OF VIEWS: 37 CFR 1.84(u)	Fig(s) _____
16. CORRECTIONS: 37 CFR 1.84(w)	Fig(s) _____
17. DESIGN DRAWINGS: 37 CFR 1.153	Fig(s) _____

COMMENTS

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